

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN SAYYAH, et al.,

Plaintiffs,

vs.

WAYNOKA PROPERTY OWNERS, et al.,

Defendants.

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Case No. C-1-01-459

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #112), THUS
OVERRULING PLAINTIFFS' MOTION TO RECUSE JUDGE WEBER
(DOC. #100); CAPTIONED CAUSE RETURNED TO JUDGE WEBER FOR
FURTHER PROCEEDINGS

Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge in his Report and Recommendations (Doc. #112), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts said Report and Recommendations in their entirety, overrules the Plaintiffs' Objections thereto (Doc. #116), and orders the return of the captioned cause to Judge Weber for further proceedings in accordance with law.

In overruling the Plaintiffs' Motion to Recuse Judge Weber, it appears that the crux of the Plaintiffs' Complaint is that judicial officer's failure to rule on a number of motions, for sanctions and otherwise, since there is no showing of any

extrajudicial bias.

WHEREFORE, based upon the aforesaid, this Court, having adopted the Report and Recommendations of the United States Magistrate Judge (Doc. #112), and having overruled the Plaintiffs' Objections thereto (Doc. #116), overrules the Plaintiffs' Motion for an Order of this Court recusing Judge Weber, and returns the captioned cause to that judicial officer for further proceedings in accordance with law.¹

December 5, 2003

/s/ Walter Herbert Rice
WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies mailed to:

All counsel of record

Clerk of Courts, Cincinnati
Honorable Herman J. Weber

¹Although the caption of the Plaintiffs' Motion referred only to Judge Weber, the body of same indicated a desire to recuse Magistrate Judge Timothy Hogan, as well. That portion of the Plaintiffs' Motion is moot, given that Judge Hogan has already recused himself.